

IN THE MATTER OF: :

:

Zodiac Restaurant Group, Inc. :

t/a Scion Restaurant : Show Cause

2100 P Street, NW : Hearing

Retailer CR - ANC-2B : (Status)

License No. 82174 :

Case #14-AUD-00048 :

:

(Failed to File Quarterly :
Statements-4th Quarter 2013) :

January 7, 2015

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

ALSO PRESENT:

LOUISE PHILLIPS, OAG

1 P-R-O-C-E-E-D-I-N-G-S

2 9:48 a.m.

3 CHAIRPERSON MILLER: Okay. I'm going
4 to start. Good morning, ladies and gentlemen,
5 and happy new year.

6 I want to welcome you to the regularly
7 scheduled meeting of the District of Columbia's
8 Alcoholic Beverage Control Board. Today is
9 January 7, 2015.

10 My name is Ruthanne Miller. I'm the
11 Chairperson. Joining me to my far right is Mr.
12 Donald Brooks. To my immediate left is Mr. Mike
13 Silverstein and next to Mr. Silverstein is Mr.
14 James Short. Joining us shortly will be Mr.
15 Hector Rodriguez and Mr. Nick Alberti. And as of
16 now, we have four Members in attendance for the
17 conduct of business. No, we have five and
18 shortly we are going to have six.

19 Okay. Copies of today's hearing
20 calendar and agenda are available at the
21 receptionist desk. Please be aware that these
22 proceedings are being recorded by a court

1 reporter. Accordingly, we must ask you to
2 refrain from any disruptive noises or actions in
3 the hearing room.

4 If you have any electronic devices,
5 pagers, cell phones or such, please, make certain
6 that they are turned off to avoid any
7 interruption of the proceedings.

8 When I call your case, please, come
9 forward and take a seat at one of the tables in
10 the front. You will notice that there is a piece
11 of paper on each table for you to sign-in. This
12 is to ensure the correct spelling of your name
13 for the record.

14 The Open Meetings Act requires that
15 the public hearing on each case be open to the
16 public. The Board may, consistent with Section
17 405(b) of the Open Meetings Act, enter a closed
18 meeting during or after the public hearing on a
19 case to consult with an attorney to obtain legal
20 advice, discuss settlement agreements or
21 deliberate upon a decision in an adjudication
22 proceeding.

1 Okay. We will now turn to the cases
2 on the calendar. We have several cases scheduled
3 for 9:30. I have been requested to take up the
4 second case first, as we have a baby in the
5 house.

6 And that would be the Scion Restaurant
7 case. That is Case No. 14-AUD-00048, Scion
8 Restaurant located at 2100 P Street, N.W.,
9 License No. 82174.

10 MS. PHILLIPS: Louise Phillips,
11 Assistant Attorney General for the District of
12 Columbia. Good morning and happy new year, Board
13 Members.

14 CHAIRPERSON MILLER: Good morning.
15 Thank you. Same to you.

16 MEMBER BROOKS: Good morning.

17 CHAIRPERSON MILLER: And if you can
18 introduce yourself when you are ready?

19 MS. LIU: Yep. My name is Julie Liu.
20 I'm co-owner of Zodiac Restaurant Group d/b/a
21 Scion Restaurant.

22 CHAIRPERSON MILLER: Okay. Good. And

1 I need to ask you if you received notice of this
2 hearing?

3 MS. LIU: Yes.

4 CHAIRPERSON MILLER: Did you read it
5 and understand it?

6 MS. LIU: Yes.

7 CHAIRPERSON MILLER: Okay. So we
8 don't have a notice issue in this case. Are
9 there any preliminary matters that the parties
10 want to bring to our attention?

11 MS. PHILLIPS: Madam Chair, my notes
12 reflect that we were not able to reach someone
13 from the establishment yesterday when we tried to
14 call, that's what the note says. So we have not
15 reached a preliminary agreement, so I guess we
16 will have to go to Show Cause Hearing.

17 CHAIRPERSON MILLER: Okay. So I'm
18 going to schedule the Show Cause Hearing for
19 February 11, 2015 at --

20 MS. LIU: Could we be able to pay a
21 fine to move this forward or is it that --

22 CHAIRPERSON MILLER: Oh, okay.

1 MS. LIU: -- it has to go on to--

2 CHAIRPERSON MILLER: Okay. You will
3 have an opportunity. You may have an opportunity
4 to talk before the Show Cause Hearing.

5 MS. LIU: Oh, I see.

6 CHAIRPERSON MILLER: And if you come
7 to an agreement, you can present that to the
8 Board prior to the hearing or on a date prior to
9 the hearing even or you can talk now --

10 MS. PHILLIPS: Madam Chair?

11 CHAIRPERSON MILLER: -- if you want.

12 MS. PHILLIPS: Madam Chair, if you are
13 going to call the Protest Hearing (Status), then
14 I will speak with owner and baby and see if we
15 can get this resolved.

16 CHAIRPERSON MILLER: Okay.

17 MS. LIU: She is not for sale.

18 MS. PHILLIPS: I don't do sales. I
19 only do fines.

20 CHAIRPERSON MILLER: So we can
21 continue this hearing today even and you can go
22 out and talk and if you come to any agreement,

1 you can come back before the Board.

2 MS. LIU: Okay. Okay. Sounds good.

3 CHAIRPERSON MILLER: Okay.

4 MS. LIU: Thank you.

5 CHAIRPERSON MILLER: All right. So we
6 will leave this and come back to it when the
7 parties are ready.

8 (Whereupon, the above-entitled matter
9 went off the record at 9:52 a.m. and resumed at
10 9:56 a.m.)

11 CHAIRPERSON MILLER: Oh, we can go
12 back to Case No. 2 in the meantime, I believe.

13 MS. PHILLIPS: Madam Chair, may we
14 recall Scion?

15 CHAIRPERSON MILLER: Yes, perfect
16 timing. Perfect timing. Okay. We are going to
17 recall the Scion Restaurant case. That is Case
18 No. 14-AUD-00048, which we continued in order to
19 give the parties time to talk.

20 So, Ms. Phillips?

21 MS. PHILLIPS: Thank you, Madam Chair.
22 The parties would like to present an Offer in

1 Compromise for the Board's consideration. It's
2 an Offer in Compromise of a \$1,000 fine to be
3 paid within 30 days.

4 MS. LIU: And I just want to clarify
5 that that is the statutory minimum, so there is
6 nothing else that can really be done in this
7 situation.

8 MS. PHILLIPS: I believe it's the
9 statutory minimum.

10 CHAIRPERSON MILLER: Okay. I don't
11 want to get in the middle here of your --

12 MS. PHILLIPS: OIC.

13 CHAIRPERSON MILLER: So if you have
14 had conversations with Ms. Phillips and you are
15 comfortable with the OIC, then -- does somebody
16 else want to respond to -- we don't usually give
17 legal advice up here, that's all.

18 MS. LIU: That's fine. I mean --

19 MS. PHILLIPS: She said two people
20 clarified, me and the Director, so that should be
21 enough.

22 MEMBER ALBERTI: Clarified what?

1 MS. PHILLIPS: I'm sorry, I can't hear
2 you.

3 MEMBER ALBERTI: Clarified what?

4 MS. PHILLIPS: Clarified that it was
5 the statutory minimum, which is what the --

6 MEMBER ALBERTI: So do you know how
7 many secondaries this is, Ms. Phillips?

8 MS. LIU: Our situation was that we
9 got our fourth --

10 MEMBER ALBERTI: I'm asking Ms.
11 Phillips.

12 MS. LIU: Oh, sorry.

13 MEMBER ALBERTI: Please.

14 MS. PHILLIPS: Right. My
15 understanding --

16 MEMBER ALBERTI: It's just easier this
17 way.

18 MS. PHILLIPS: Yes. My understanding
19 from the record is that this is the fourth
20 secondary violation within four years. My
21 understanding is that three of them were very
22 early days.

1 MEMBER ALBERTI: Right.

2 MS. PHILLIPS: And that the last one
3 was within a month of the four year time period,
4 but I haven't verified the date after --

5 MEMBER ALBERTI: Okay. I'm sorry.
6 Thank you. And I was confused by something that
7 I have in my notes, which is incorrect, but you
8 are right. It is the fourth, which I agree with.
9 Thank you.

10 MS. PHILLIPS: Thank you, Mr. Alberti.

11 CHAIRPERSON MILLER: Any other
12 questions or comments Board Members want to make?

13 Okay. So as I understand it, the
14 Offer in Compromise is for a \$1,000 fine payable
15 within 30 days.

16 MS. PHILLIPS: Madam Chair?

17 CHAIRPERSON MILLER: Ms. Phillips, is
18 there a consequence if it's not paid within 30
19 days?

20 MS. PHILLIPS: Well, it says that if
21 the fine is not paid within 30 days, the license
22 would be suspended. And I talked briefly about

1 that that she must pay it within 30 days.

2 CHAIRPERSON MILLER: Okay. So then
3 I'm sorry, what is your name?

4 MS. LIU: Julie.

5 CHAIRPERSON MILLER: Julie, I want to
6 ask you if you agree to this Offer in Compromise
7 of \$1,000 to be paid within 30 days? And if not
8 paid within 30 days, the license would be
9 suspended.

10 MS. LIU: Yes.

11 CHAIRPERSON MILLER: And do you
12 understand that you waive your right to a hearing
13 and appeal of this penalty?

14 MS. LIU: Yes, go ahead. I just I
15 know it was the fourth violation. I'm just
16 curious if that month would -- that extra week
17 time would matter at all. Okay. Go ahead.

18 CHAIRPERSON MILLER: Okay.

19 MS. PHILLIPS: We have discussed this.
20 This is yay or nay time.

21 CHAIRPERSON MILLER: Yes.

22 MS. LIU: Okay. Yes, go ahead.

1 CHAIRPERSON MILLER: Yes, you agree.
2 Okay. And you understand. All right. Then we
3 have an Offer in Compromise before us of \$1,000
4 to be paid within 30 days or the license will be
5 suspended until payment. Do I have a second? I
6 move that we approve. Do I have a second?

7 MEMBER SHORT: Second.

8 CHAIRPERSON MILLER: Mr. Short
9 seconded the motion.

10 All those in favor say aye.

11 ALL: Aye.

12 CHAIRPERSON MILLER: All those
13 opposed? All those abstaining? The motion
14 passes 6-0-0.

15 MEMBER ALBERTI: Thank you.

16 MS. PHILLIPS: They will bring you
17 something to sign in a minute, so you can go back
18 in the back.

19 MS. LIU: Thanks for moving me
20 forward.

21 CHAIRPERSON MILLER: Okay.

22 MS. LIU: I appreciate it.

1 CHAIRPERSON MILLER: Wait. You need
2 to wait one more minute.

3 MS. PHILLIPS: I told her to wait.

4 CHAIRPERSON MILLER: Oh, okay. Good.
5 Okay. You are fine as long as you wait around
6 here.

7 MS. LIU: Yep.

8 CHAIRPERSON MILLER: Great. Okay.

9 (Whereupon, the Show Cause (Status)
10 Hearing in the above-entitled matter was
11 concluded at 10:01 a.m.)
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